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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,397	11/14/2003	James Danial Theall	MDIA-001/00US	6847
7590	05/15/2006		EXAMINER	
Cooley Godward LLP			HUYNH, CONG LACT	
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One Freedom Square, Reston Town Center			ART UNIT	PAPER NUMBER
11951 Freedom Drive				
Reston, VA 20190-5656			2178	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,397	THEALL ET AL.	
	<b>Examiner</b> Cong-Lac Huynh	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 March 2006.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 30-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 30-51 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 4/8/04.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. This action is responsive to communications: amendment filed 3/1/06 to the application filed on 11/14/03.
2. Claims 1-29 are canceled.
3. Claims 30-51 are added.
4. Claims 30-51 are pending in the case. Claims 30, 36, 42, 46-51 are independent claims.
5. The rejections of claim 17-18 under 35 U.S.C. 112, second paragraph have been withdrawn in view of the cancellation of claims 17-18.
6. The rejections of claims 1-17, 20-29 under 35 U.S.C. 102(a) as being anticipated by Brown have been withdrawn in view of the cancellation of claims 1-17, 20-29.
7. The rejections of claims 18-19 under 35 U.S.C. 103(a) as being unpatentable over Brown and further in view of Herberger have been withdrawn in view of the cancellation of claims 18-19.

### *Drawings*

8. The drawings were received on 3/1/06. These drawings are 4-5, 7-11, which are accepted.

### *Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 30-38, 42-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Herberger et al. (US Pat App Pub No. 2005/0084232 A1, 4/21/05, filed 10/16/03).

Regarding independent claim 30, Herberger discloses:

- selecting a portion of a document ([0010]-[0011]: each cell, which is a portion of the video template, which is equivalent to a document, is selected to add content to characterize the key aspects of a selected event)
- associating each of a theme, act, and a scene with the portion of the document, the theme being a topic for a presentation, the act relating to the ordering of information in the presentation, the scene relating to a specific presentation point in the presentation, each of the theme, act, and scene including textual information that is separate from the portion of the document ([0011]-[0013], figures 4&5, [0030, [0031], [0033]: each predefined “cell” in the template is associated with themed video clips regarding a specific topic, and arranged in an order in the template, and each cell is an insertion point relating to a specific presentation in the presentation, wherein the explanatory textual material is located in an input text cell, which is separate from the cell of video clips of the template)
- storing the portion of the document and its associated theme, act, and scene in a database ([0039]: presenting the list of template names of themed video

templates to users for selecting suggests that said list as well as the themed video templates be stored in memory, which is a form of database)

Regarding claim 31, which is dependent on claim 30, Herberger discloses that the portion of the document is a page (figures 4-5, [0033]).

Regarding claim 32, which is dependent on claim 30, Herberger discloses that the portion of the document is a presentation slide (figures 4-5, [0033]).

Regarding claim 33, which is dependent on claim 30, Herberger discloses that a plurality of themes are associated with the portion of the document and stored in the database (figure 6, [0025]: the list of files relating each cell of the template corresponding to each scene of the video presentation shows that themes associated with the selected portion of the document is stored in a database).

Regarding claim 34, which is dependent on claim 30, Herberger discloses that a plurality of acts are associated with the portion of the document and stored in the database ([0039], [0041]: one or more video templates is presented to user for selection where each template includes the order of the cells of themed video implies that the act of ordering information is stored in a database).

Regarding claim 35, which is dependent on claim 30, Herberger discloses that a plurality of scenes are associated with the portion of the document and stored in the database ([0041], figures 4-5).

Regarding independent claim 36, Herberger discloses:

- selecting, in a database, each of a theme, an act, and a scene, the theme being a topic for a presentation, the act relating to the ordering of information in the presentation, the scene relating to a specific presentation point in the presentation, each of the theme, act, and scene including textual information ([0039], [0024], ([0010], [0011]: selecting a themed video template in a list of themed video templates where each template includes a theme, an act, and a scene, which include textual information and where said list of video templates implies that said list is stored in memory, which is a form of database)
- identifying, in the database, at least one document portion associated with the selected theme, act, and scene, the textual information being separate from the at least one document portion ([0039], [0011], [0030]: selecting a themed video template from a list of video templates where each template has an input text field for specifying the content of a cell in a template implies that the textual information is separate from the cell of video clips, which is equivalent to at least one document portion, and the cell is identified from the database)
- generating a new presentation that includes the at least one document portion (figures 3, 6)

Regarding claim 37, which is dependent on claim 36, Herberger discloses that the document portion is a page of an existing document (figures 4-5, [0033]).

Regarding claim 38, which is dependent on claim 36, Herberger discloses that the document portion is a presentation slide from an existing presentation document (figures 4-5, [0033]).

Regarding independent claim 42, Herberger discloses:

- selecting a design template, the design template specifying a set of design attributes for slides in the presentation (figure 2, #205-227, [0039], [0011], [0013])
- selecting at least one slide for inclusion in the presentation (figure 2, #229, 230, 240, [0011])
- auditing the at least one slide for compliance with the design template, the auditing including at least one of identifying a slide color mismatch, identifying a missing title field mismatch, identifying a blank title field, identifying a title font style mismatch, identifying a title font size: [0041]-[0042]: auditing by identifying a blank title field to enter desired data)
- editing a format of the selected media data where it is determined that the selected media data is not formatted in accordance with the selected design template ([0044]: resize the selected digital image file to fit within the confines and aspect ratio of a video frame).

Regarding claim 43, which is dependent on claim 42, Herberger discloses that auditing is performed before the at least one slide is imported from a database ([0041], [0042]: selecting a title field is performed before prompting a user to enter a title data).

Regarding claim 44, which is dependent on claim 42, Herberger discloses that editing is performed automatically ([0044]: resizing the selected digital image file to fit within the confines an aspect ratio of a video frame by the software attendant shows that resizing, which is a form of editing, is performed automatically).

Regarding claim 45, which is dependent on claim 42, Herberger discloses that a user is prompted to perform the editing manually ([0042]: user can customize the final video product by entering data into input screens).

Claims 46 and 49 are for a system and a computer readable medium of method claim 30, and are rejected under the same rationale.

Claims 47 and 50 are for a system and a computer readable medium of method claim 36, and are rejected under the same rationale.

Claims 48 and 51 are for a system and a computer readable medium of method claim 36, and are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herberger et al. (US Pat App Pub No. 2005/0084232 A1, 4/21/05, filed 10/16/03).

Regarding claims 39-41, which are dependent on claim 36, Herberger does not explicitly disclose that a plurality of themes, acts and scenes, are selected simultaneously and the at least one document portion is identified based, in part, on the selected plurality of themes, acts and scenes.

However, Herberger does provide a list of themed video templates for users to select where each template is associated with a theme, an act, which is the order of video data, and a scene of video ([0039]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Herberger to include simultaneously selecting a plurality of themes, acts and scenes since the video templates in the list have many different themes, acts or scenes presented to users to select. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Herberger to include identifying at least one document portion based on the selected plurality of themes, acts and scenes since users can select a theme video template based on an associated theme, where each selected video template includes at least one document portion having the theme of the video template

### ***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teague (US Pat No. 6,938,083, filed 7/21/00).

Rosin et al. (US Pat App Pub No.2002/0078467 A1, filed 9/6/01).

Graham et al. (US Pat App Pub No.2004/0098671 A1, priority 12/17/02).

Woodings et al. (US Pat App Pub No.2004/0267595 A1, priority 6/30/03).

Amitay et al. (US Pat App Pub No.2004/0236725 A1, filed 5/19/03).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Art Unit 2178  
05/10/06